

Whereas 80 percent of older adults have at least 1 chronic condition and nearly 70 percent of Medicare beneficiaries have 2 or more chronic conditions;

Whereas more than 868,000 people in the United States die of heart disease or stroke every year, costing the health care system of the United States \$214,000,000,000 per year and causing \$138,000,000,000 in lost productivity on the job;

Whereas, each year, more than 1,700,000 people in the United States are diagnosed with cancer and almost 600,000 die from it, costing an estimated \$174,000,000,000 in 2020;

Whereas more than 34,200,000 people in the United States have diabetes and another 88,000,000 adults in the United States have prediabetes, putting them at risk for type 2 diabetes, both of which cost a total estimated \$327,000,000,000 in medical costs for diagnosed diabetes and lost productivity in 2017;

Whereas obesity affects 19 percent of children and 42 percent of adults, including older adults who have obesity rates exceeding 37.5 percent in males and 39.4 percent in females, costing the health care system \$147,000,000,000 per year;

Whereas falls are the leading cause of injury, and injury-related death, among older adults and result in medical costs totaling \$50,000,000,000 per year, 75 percent of which are paid by Medicare and Medicaid;

Whereas approximately 20 percent of older adults experience some type of behavioral health concern, including anxiety, depression, bipolar disorder, cognitive impairment, and substance use disorders, which are often factors in suicide among older adults;

Whereas factors that influence healthy aging include—

- (1) improving diet and exercise;
- (2) managing risk factors for physical and behavioral health conditions, as well as falls;
- (3) keeping up with regular health screenings and preventative care; and
- (4) staying socially active; and

Whereas, as of August 2021, nearly 11,000 senior centers serve 1,000,000 older adults aged 50 and older, helping them continue to be part of a community, exercise, and receive nutritious meals: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2021 as “Healthy Aging Month”; and

(2) encourages the people of the United States to provide opportunities for older individuals to continue to flourish by—

(A) emphasizing the importance of exercise, nutrition, health promotion, disease prevention, and social engagement;

(B) encouraging the balance of mind, body, and spirit, as older individuals can share their wisdom, experience, and skills with younger generations; and

(C) recognizing that people in the United States are living longer and a healthy lifestyle will help enhance later life experiences.

SENATE RESOLUTION 404—SUPPORTING THE GOALS AND IDEALS OF NATIONAL RETIREMENT SECURITY MONTH, INCLUDING RAISING PUBLIC AWARENESS OF THE VARIOUS TAX-PREFERRED RETIREMENT VEHICLES, INCREASING PERSONAL FINANCIAL LITERACY, AND ENGAGING THE PEOPLE OF THE UNITED STATES ON THE KEYS TO SUCCESS IN ACHIEVING AND MAINTAINING RETIREMENT SECURITY THROUGHOUT THEIR LIFETIMES

Mr. CARDIN (for himself, Ms. COLLINS, Mrs. MURRAY, Mr. YOUNG, Ms. HASSAN, Mr. BARRASSO, and Mr. SCOTT of South Carolina) submitted the following resolution; which was considered and agreed to:

S. RES. 404

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas data from the Employee Benefit Research Institute indicates that, in the United States—

(1) up to 40 percent of households in which the head of household is between the ages of 35 and 64 are likely to run out of money in retirement; and

(2) the amount that workers have saved for retirement is much less than the amount those workers need to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is important so that those workers understand the need to save for retirement;

Whereas saving for retirement is a key component of overall financial health and security during retirement years, and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not—

(1) be aware of their various options in saving for retirement; or

(2) have focused on the importance of, and need for, saving for retirement and successfully achieving retirement security;

Whereas, although many employees have access to defined benefit and defined contribution plans through their employers to assist such employees in preparing for retirement, many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas saving for retirement is necessary even during economic downturns or market declines, underscoring the importance of continued contributions;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from developing personal budgets and financial plans that include retirement savings strategies that take advantage of tax-preferred retirement savings vehicles;

Whereas effectively and sustainably withdrawing retirement resources throughout an individual's retirement years is as important and crucial as saving and accumulating funds for retirement; and

Whereas the month of October 2021 has been designated as “National Retirement Security Month”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Retirement Security Month, including raising public awareness of the importance of saving adequately for retirement;

(2) acknowledges the need to raise public awareness of the variety of tax-preferred retirement vehicles that are used by many people in the United States, but remain underutilized; and

(3) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Retirement Security Month with appropriate programs and activities, with the goal of increasing the retirement savings and personal financial literacy of all people in the United States and enhancing the retirement security of the people of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3834. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.; which was ordered to lie on the table.

SA 3835. Mr. SCHUMER proposed an amendment to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans.

SA 3836. Mr. SCHUMER proposed an amendment to amendment SA 3835 proposed by Mr. SCHUMER to the bill S. 1301, supra.

SA 3837. Mr. SCHUMER proposed an amendment to the bill S. 1301, supra.

SA 3838. Mr. SCHUMER proposed an amendment to amendment SA 3837 proposed by Mr. SCHUMER to the bill S. 1301, supra.

SA 3839. Mr. SCHUMER proposed an amendment to amendment SA 3838 proposed by Mr. SCHUMER to the amendment SA 3837 proposed by Mr. SCHUMER to the bill S. 1301, supra.

SA 3840. Mr. SCHUMER (for Mr. WICKER) proposed an amendment to the bill S. 558, to establish a national integrated flood information system within the National Oceanic and Atmospheric Administration, and for other purposes.

TEXT OF AMENDMENTS

SA 3834. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle —Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins

SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021”.

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO BURN PITS AND OTHER TOXINS.

(a) IN GENERAL.—Subchapter II of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

“§1119. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins

“(a) PRESUMPTION OF SERVICE CONNECTION.—(1) For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease specified in paragraph (2) becoming manifest in a veteran described in paragraph (3) shall be considered to have been incurred in or aggravated during active military, naval, or air service, notwithstanding that there is no record of evidence of such disease during the period of such service.

“(2) The diseases specified in this paragraph are the following:

“(A) Asthma that was diagnosed after service in a country or territory for which a medal described in paragraph (3) was awarded.

“(B)(i) Head cancer of any type.

“(ii) Neck cancer of any type.

“(iii) Respiratory cancer of any type.

“(iv) Gastrointestinal cancer of any type.

“(v) Reproductive cancer of any type.

“(vi) Lymphoma cancer of any type.

“(vii) Lymphomatic cancer of any type.

“(viii) Kidney cancer.

“(ix) Brain cancer.

“(x) Melanoma.

“(C) Chronic bronchitis.

“(D) Chronic obstructive pulmonary disease.

“(E) Constructive bronchiolitis of obliterative bronchiolitis.

“(F) Emphysema.

“(G) Granulomatous disease.

“(H) Interstitial lung disease.

“(I) Pleuritis.

“(J) Pulmonary fibrosis.

“(K) Sarcoidosis.

“(L) Any other disease listed under subsection (a)(2) of section 1116 of this title or for which a presumption of service connection is warranted pursuant to regulations prescribed under section subsection (b)(1) of such section.

“(M) Any other disease with respect to which final regulations have been prescribed under subsection (c)(3).

“(3) A veteran described in this paragraph is any veteran who on or after August 2, 1990, was awarded any of the following:

“(A) The Afghanistan Campaign Medal.

“(B) The Armed Forces Expeditionary Medal.

“(C) The Armed Forces Reserve Medal with M-device.

“(D) The Armed Forces Service Medal.

“(E) The Global War On Terrorism Expeditionary Medal.

“(F) The Inherent Resolve Campaign Medal.

“(G) The Iraqi Campaign Medal.

“(H) The Southwest Asia Service Medal.

“(b) PROCESS TO ADD DISEASES THROUGH WRITTEN PETITION.—(1) In the case that the Secretary receives a written petition from an interested party to add a disease to the list of diseases specified in subsection (a)(2), not later than 90 days after the date of receipt of such petition, the Secretary shall request a determination by the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the ‘National Academies’) with respect to whether there is a positive association between—

“(A) the exposure of humans to one or more covered toxins; and

“(B) the occurrence of the disease in humans.

“(2) For purposes of this subsection, the term ‘interested party’ includes a representative of—

“(A) a congressionally chartered veterans service organization;

“(B) an organization that—

“(i) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

“(ii) serves veterans or members of the Armed Forces; and

“(iii) has continuously operated for a period of five years or more preceding the date of the submittal of the written petition under paragraph (1);

“(C) a collective bargaining agent for civilian employees of the United States Government;

“(D) a nationally recognized medical association;

“(E) the National Academies; or

“(F) a State or political subdivision of a State.

“(c) DETERMINATIONS BY NATIONAL ACADEMIES.—

(1) If the Secretary receives a determination described in paragraph (2), not later than 180 days after receipt of such determination, the Secretary shall—

“(A) publish in the Federal Register proposed regulations to add the disease covered by the determination to the list of diseases specified in subsection (a)(2);

“(B) publish in the Federal Register, and submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives—

“(i) the decision of the Secretary not to publish such proposed regulations; and

“(ii) the basis for such decision, including specific medical science refuting the determination; or

“(C) publish in the Federal Register a decision that insufficient evidence exists to take action under subparagraph (A) or (B).

“(2) A determination described in this paragraph—

“(A) is a determination by the National Academies that there is a positive association between—

“(i) the exposure of humans to one or more covered toxins; and

“(ii) the occurrence of the disease in humans; and

“(B) may be made pursuant to—

“(i) a request from the Secretary under subsection (b); or

“(ii) an agreement between the Secretary and the National Academies under section 3 of the Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021.

“(3)(A) Not later than 180 days after the date on which the Secretary publishes any proposed regulations under paragraph (1)(A) for a disease, the Secretary shall prescribe final regulations for that disease.

“(B) Such regulations shall be effective on the date of issuance.

“(d) REFERENCE TO NATIONAL ACADEMIES.—

In the case that the Secretary enters into an agreement with another organization as described in section 3(h)(1) of the Presumptive Benefits for War Fighters Exposed to Burn Pits and Other Toxins Act of 2021, any reference in this section to the National Academies shall be treated as a reference to the other organization.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘covered toxin’ includes the following:

“(A) Any toxic chemical or toxic fume.

“(B) Hazardous waste, mixed waste, solid waste, or used oil (as those terms are defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

“(C) Radiological waste.

“(D) Any other carcinogen.

“(2) The term ‘veterans service organization’ means an organization recognized by the Secretary for the representation of veterans under section 5902 of this title.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) WRITTEN PETITIONS.—With respect to a written petition described in section 1119(b)(1) of title 38, United States Code, as added by subsection (a), that was received by the Secretary of Veterans Affairs before the effective date described in paragraph (1), the Secretary shall make a request of the National Academies of Sciences, Engineering, and Medicine under such section, as so added, not later than 90 days after such effective date.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 38, United States Code, is amended by inserting after the item relating to section 1118 the following new item:

“1119. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.”.

(d) CONFORMING AMENDMENT.—Section 1113 of such title is amended by striking “or 1118” each place it appears and inserting “1118, or 1119”.

SEC. 3. AGREEMENT WITH THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE CONCERNING THE EXPOSURE OF HUMANS TO BURN PITS AND OTHER TOXINS.

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the “National Academies”) to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than 60 days after the date of the enactment of this Act.

(b) REVIEWS OF SCIENTIFIC EVIDENCE.—

(1) IN GENERAL.—Under an agreement between the Secretary and the National Academies, the National Academies shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between the exposure of humans to covered toxins and each disease suspected to be associated with such exposure.

(2) REVIEWS UPON REQUEST.—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall conduct a review described in paragraph (1) in response to each request made by the Secretary under section 1119(b)(1) of title 38, United States Code, as added by section 2(a).

(c) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—

(1) IN GENERAL.—For each disease reviewed under subsection (b), the National Academies shall determine (to the extent that available scientific data permit meaningful determinations) whether there is a positive association between the exposure of humans to one or more covered toxins and the occurrence of the disease in humans, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association.

(2) SUBMISSIONS FOR REVIEWS UPON REQUEST.—Under an agreement between the Secretary and the National Academies under this section, not later than 270 days after the date on which the Secretary transmits a request to the National Academies with respect to a disease under section 1119(b)(1) of title 38, United States Code, as added by section 2(a), the National Academies shall submit to the Secretary the determination

made with respect to that disease under paragraph (1).

(d) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—

(1) **IN GENERAL.**—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to the exposure of humans to covered toxins.

(2) **CONSIDERATIONS.**—In making recommendations for additional scientific studies, the National Academies shall consider—

(A) the scientific information that is available at the time of the recommendation;

(B) the value and relevance of the information that could result from additional studies; and

(C) the feasibility of carrying out such additional studies.

(e) **SUBSEQUENT REVIEWS.**—Under an agreement between the Secretary and the National Academies under this section, the National Academies shall—

(1) conduct as comprehensive a review as is practicable of the evidence referred to in subsection (b)(1) that became available since the last review of such evidence under this section; and

(2) make determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(f) REPORTS.—

(1) INITIAL REPORT.—

(A) **IN GENERAL.**—Under an agreement between the Secretary and the National Academies under this section, not later than 540 days after the date of the enactment of this Act, the National Academies shall submit to the Secretary and the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the National Academies under the agreement.

(B) **ELEMENTS.**—The report submitted under subparagraph (A) shall include the following:

(i) The determinations described in subsection (c)(1).

(ii) An explanation of the scientific evidence and reasoning that led to such determinations.

(iii) Any recommendations of the National Academies under subsection (d).

(2) **PERIODIC UPDATES.**—Under an agreement between the Secretary and the National Academies under this section, not less frequently than once every two years, the National Academies shall submit to the Secretary and the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an updated report on the activities of the National Academies under the agreement.

(g) **LIMITATION ON AUTHORITY.**—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) **IN GENERAL.**—If the Secretary is unable within the period prescribed in subsection (a)(2) to enter into an agreement with the National Academies on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the National Academies.

(2) **TREATMENT.**—If the Secretary enters into an agreement with another organization

as described in paragraph (1), any reference in this section, section 4, and section 1119 of title 38, United States Code, as added by section 2(a), to the National Academies shall be treated as a reference to the other organization.

(i) **COVERED TOXIN DEFINED.**—In this section, the term “covered toxin” has the meaning given that term in section 1119(e) of title 38, United States Code, as added by section 2(a).

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Veterans Affairs such sums as may be necessary to carry out this section.

SEC. 4. ACCESS OF THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE TO INFORMATION FROM FEDERAL AGENCIES.

(a) **IN GENERAL.**—Upon request by the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the “National Academies”), the head of any Federal agency with relevant information shall provide to the National Academies information in the possession of the agency that the National Academies determines useful in conducting a review under section 3(b).

(b) **FEDERAL AGENCY DEFINED.**—In this section, the term “Federal agency” means any agency as that term is defined in section 551 of title 5, United States Code.

SEC. 5. PRESUMPTION RELATING TO PERSONAL INJURY OF CERTAIN FEDERAL EMPLOYEES.

(a) **IN GENERAL.**—Section 8102 of title 5, United States Code, is amended by adding at the end the following:

“(c)(1) In this subsection, the term ‘covered employee’ means an employee of the Department of State, the Department of Defense, or an element of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) who, on or after August 2, 1990, carried out the job responsibilities of the employee for not fewer than 30 total days in a country or territory while the United States was conducting a contingency operation (as defined in section 101 of title 10) in that country or territory.

“(2) Disability or death from a disease described in paragraph (2) of such section suffered by a covered employee is deemed to have resulted from personal injury sustained while in the performance of the duty of the covered employee, whether or not the covered employee was engaged in the course of employment when the disability or disability resulting in death occurred.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act.

(c) **RULE OF CONSTRUCTION.**—Subsection (c) of section 8102 of such title, as added by subsection (a), shall not be construed to apply to a contractor of a Federal department or agency.

SA 3835. Mr. SCHUMER proposed an amendment to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

At the end add the following:

SEC. . EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 3836. Mr. SCHUMER proposed an amendment to amendment SA 3835 proposed by Mr. SCHUMER to the bill S.

1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

On page 1, line 3, strike “1 day” and insert “2 days”.

SA 3837. Mr. SCHUMER proposed an amendment to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

At the end add the following:

SEC. . EFFECTIVE DATE.

This Act shall take effect on the date that is 4 days after the date of enactment of this Act.

SA 3838. Mr. SCHUMER proposed an amendment to amendment SA 3837 proposed by Mr. SCHUMER to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

On page 1, line 3, strike “4” and insert “5”.

SA 3839. Mr. SCHUMER proposed an amendment to amendment SA 3838 proposed by Mr. SCHUMER to the amendment SA 3837 proposed by Mr. SCHUMER to the bill S. 1301, to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; as follows:

On page 1, line 1, strike “5” and insert “6”.

SA 3840. Mr. SCHUMER (for Mr. WICKER) proposed an amendment to the bill S. 558, to establish a national integrated flood information system within the National Oceanic and Atmospheric Administration, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Flood Level Observation, Operations, and Decision Support Act” or the “FLOODS Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. National Integrated Flood Information System.
- Sec. 4. Observations and modeling for total water prediction.
- Sec. 5. Service coordination hydrologists at River Forecast Centers of the National Weather Service.
- Sec. 6. Improving National Oceanic and Atmospheric Administration communication of future flood risks and hazardous flash flood events.
- Sec. 7. Freshwater monitoring along the coast.
- Sec. 8. Tornado warning improvement.
- Sec. 9. Hurricane forecast improvement program.
- Sec. 10. Weather and water research and development planning.
- Sec. 11. Forecast communication coordinators.
- Sec. 12. Estimates of precipitation frequency in the United States.